IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

CRP.No. 108 of 2007()

AGAINST THE ORDER IN IA 63/06, IA 1/2002 IN OA.73/1993 of LAND TRIBUNAL, KANHANGAD
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REVN. PETITIONER: PETITIONER/PLAINTIFF

KRISHNAN, AGED 61 YEARS,
S/O.KARTHAMBU, PALLIKKARA VILLAGE, KOTTIKULAM,
P.O.BEKAL.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS: RESPONDENTS/DEFENDANTS
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1. **N.MOHANAN, AGED 37 YEARS,**
   S/O.NARAYANAN, RESIDING NEAR PUTHYAKKODI GOVERNMENT FISHERIES HIGH SCHOOL, PALLIKKARA-VILLAGE.

2. **K.SULOCHANA, AGED 27 YEARS,**
   W/O.N.MOHANNAN,
   RESIDING NEAR PUTHYAKKODI GOVERNMENT FISHERIES HIGH SCHOOL, PALLIKKARA VILLAGE.

3. **A.MEENAKSHI, AGED 36 YEARS,**
   W/O.K.KARUNAKARAN, RESIDING AT PATTATHANAM, PALLIKKARA VILLAGE.

4. **A.OMANA, AGED 32 YEARS,**
   W/O.SAMKUTTY, RESIDING AT GOPALPETTA, KOTTIKULAM, PALLIKKARA VILLAGE.

5. **A.UMESHAN, AGED 32 YEARS,**
   S/O.NARAYANAN, RESIDING NEAR PUTHYAKKODI GOVERNMENT FISHERIES HIGH SCHOOL, PALLIKKARA VILLAGE.

6. N.VALSALA, AGED 26 YEARS,
W/O.G.RAJAN, RESIDING AT PUTHIYAKADAPPURAM,
PALLIKKARA VILLAGE, HOSDURG TALUK.

BY ADV. SRI.M.SANTHOSHKUMAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 108 OF 2007

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Dated this the 27th day of June, 2007.

O R D E R

This revision petition is preferred against the order of the Land Tribunal passed in I.A.63/06 in I.A.1/02 in O.A.73/93. The basic question is with respect to an application made under 72 MM(7). As per the said section any person affected by the order of the Land Tribunal, may, within 90 days from the date of the order, apply to that Land Tribunal to set aside the order. Accordingly, the petitioner in the I.A., viz. N. Mohanan and other filed I.A.2/07 under Section 72 MM(7) with a petition to condone the delay as I.A.1/02. The Tribunal passed an order on 30th May, 2006 condoning the delay.

2. The grievance of the civil revision petitioner is that no notice has been issued to him in I.A.1/02 and the order passed behind his back is not valid and not binding and therefore the order in I.A.1/02 is liable to be set aside and he be given an opportunity to file his counter and the Tribunal be directed to dispose of I.A.1/02 in accordance with law.

3. Heard counsel on the other side as well. It is clear that no notice had been given on I.A.1/02 to the writ petitioner. The statute prescribes a period of 90 days and an application is

filed long after that. So, naturally it is an accrued right for the other side and therefore without hearing the other side any order passed cannot be valid in law. Therefore, the order passed by the Land Tribunal, Kasaragod in I.A.1/02 is set aside and the said Tribunal is directed to restore that petition to file giving an opportunity to the present revision petitioner to file the counter and after hearing both sides dispose of the matter in accordance with law. I am told that proceedings are continuing in 2/02. Till a decision is taken on I.A.1/02, further proceedings in I.A.2/02 be kept pending and proceed after the disposal of I.A.1/02. The Land Tribunal is directed to dispose of I.A.1/02 within a time frame of two months from today.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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